

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Applicants have added new independent claim 20 which is readable on the elected species. Thus, the claims currently pending in this application are claims 1-20, with claims 1 and 20 being the only independent claims. Claims 11-17 and 19 remain withdrawn from consideration.

The Official Action rejected claim 1 under 35 U.S.C. §102(b) for being unpatentable over U.S. Patent 4,917,087 to *Walsh et al.* In setting forth this rejection, the Official Action makes specific reference to the illustrations in Fig. 23a, 23b, and 24 of *Walsh et al.* Here, *Walsh et al.* discloses an anastomosis device having a pair of arms 606, 608 which terminate in aligned rings 610, 612. The rings 610, 612 have circular orifices or openings 614, 616 which together form a continuous orifice 615.

As an initial matter, the anastomosis device shown in Figs. 23a, 23b and 24 of *Walsh et al.* is not a blood vessel extroverting instrument used to turn the end of a blood vessel inside out. Rather, the anastomosis device shown in Figs. 23a, 23b and 24 of *Walsh et al.* is specifically used for the non-suturing connection of blood vessels.

The Official Action indicates that the ring 610 disclosed in *Walsh et al.* corresponds to the claimed contact portion while the legs 602, 604 disclosed in

Walsh et al. correspond to the claimed operating mechanism. However, claim 1 recites that the operating mechanism increases and reduces the diameter of the contact portion. The legs 602, 604 of the anastomosis device disclosed in *Walsh et al.* do not increase and reduce the diameter of the rings 610. Rather, the operation of the legs 602, 604 moves the rings 610, 612 toward and away from one another as discussed in column 10, lines 58-65 of *Walsh et al.* Thus, *Walsh et al.* cannot anticipate that which is defined in claim 1 as the invention. It is thus respectfully submitted that the rejection based on the disclosure in *Walsh et al.* should be withdrawn.

New independent Claim 20 is presented for consideration and defines that the blood vessel extroverting apparatus comprises a contact portion to be brought into contact with the inside of a blood vessel end, with the contact portion being connected to a supporting mechanism and defining an outer circumference that is changeable, and an operating mechanism for changing the outer circumference of the contact portion between a relatively smaller outer circumference permitting the contact portion to be introduced into the inside of the blood vessel and a relatively larger outer circumference after the contact portion is introduced into the end of the blood vessel to turn the end of the blood vessel inside out. *Walsh et al.* does not disclose a blood vessel extroverting apparatus having this claimed combination of features. Claim 20 is thus also patentably distinguishable over the disclosure in *Walsh et al.*

The Official Action also rejected dependant claims 2-10 and 18 under 35 U.S.C. §102(b) as being unpatentable over *Walsh et al.* Applicant respectfully submit that dependant claims 2-10 and 18, as well as withdrawn claims 11-17 and 19, are allowable at least by virtue of their dependance from allowable claim 1. In addition, these dependant claims define further distinguishing characteristics associated with the present invention.

For example, claims 2 and 3 define that the contact portion comprises a ring portion formed of a wire-like member as a substantially circular ring, and also recites that the ring portion is inserted into the blood vessel while its diameter is reduced, with the diameter of the ring thereafter being increased. In contrast, *Walsh et al.* discloses legs 602, 604 for changing the distance between the rings 610, 612, not the diameter of the rings. In fact, it is not possible for the operating mechanism 602, 604 disclosed in *Walsh et al.* to change the diameter of the rings 610, 612. Also, the Official Action observes that the rings 610, 612 are inserted in the end of a blood vessel. However, nowhere does *Walsh et al.* disclose such a use for the rings 610, 612.

Claims 4 and 5 define a regulatory means for regulating the operating mechanism and an adjustment means capable of position adjustment. The Official Action indicates that Figs. 14a-14c in *Walsh et al.* disclose a regulating means 165. However, Figs. 14a-14c disclose a stabilizer arm 163 provided with a stabilizer foot 164 that lightly engages the clip ends 128, 130 of a clip 114 to stabilize the location

of the clip 114 during enlargement of the opening 127 and insertion of the cylinder 112. A locking arm 165 engages a recess 169 to firmly locate the arm. The locking arm 165 cannot correspond to the claimed regulating means because Claim 4 recites that the regulating means regulates the operating mechanism. The locking arm 165 in *Walsh et al.* does regulate the legs 602, 604 which are said to correspond to the claimed operating mechanism.

Claims 6 and 7 further recite that the supporting portion has a pair of arms including intermediate portions that intersect each other, and a wire-like member forming the ring portion. The claim also recites that the diameter of the ring portion is changed by changing the distance between the distal ends of the pair of arms. The legs 602, 604 disclosed in *Walsh et al.* do not change the diameter of the rings 610, 612. Thus, it cannot be said that the legs 602, 604 change the diameter of the rings 610, 612 by changing the distance between the distal ends of the legs 602, 604.

Claim 8 defines that the diameter of the ring portion is changed by changing the length of the wire-like member forming the ring portion, while Claim 9 defines that the length of the wire is changed by extruding or retracting the wire into the distal end of the supporting portion. As discussed above, *Walsh et al.* clearly does not disclose changing the diameter of the rings 610, 612. It necessarily follows that *Walsh et al.* does not describe changing the diameter of the rings 610, 612 by changing the length of a wire-like member forming the rings 610, 612. Nor can it be

said that *Walsh et al.* describes changing the length of such a wire-like member forming the rings 610, 612 by extruding or retracting the wire into the distal end of the arms 606 which are said to correspond to the claimed supporting portion.

Claim 10 sets forth that the diameter of the contact portion is reduced when the supporting portion is in an unrestrained state and is increased when the supporting portion is in an urged state. Considering that *Walsh et al.* does not disclose changing the diameter of the rings 610, 612, it cannot be said that *Walsh et al.* discloses reducing the diameter of the of the rings 610, 612 when the arms 606 are in an unrestrained state and increasing the diameter of the rings 610, 612 when the arms 606 are in an urged state.

For at least the reasons stated above, it is believed that this application is in condition for allowance and such action is earnestly solicited.

As a final matter, the Examiner is respectfully asked to indicate that the drawings originally filed with this application are acceptable.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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